

REMARKS

The Final Office Action dated July 8, 2009 has been reviewed and carefully considered. Claims 1-5 and 7 are pending. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1, 3 and 5 stand rejected under 35 USC 102(b) as being anticipated by Khosla et al., U.S. Patent No. 6,202,061 (Hereinafter, "Khosla"). Claims 2, 4 and 7 stand rejected under 35 USC 103(a) as being unpatentable over Khosla.

Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for rejecting the claims.

Claim 1, as amended [and with claim elements labeled in a manner corresponding to that done in the Office Action], recites:

A system for enabling a user to manipulate a user interface, the system comprising:

- a. receiving means for receiving a selection from the user, wherein a selection-criterion defines the selection;
- b. obtaining means for obtaining at least one previous collection that matches the selection;
- c. generating means for automatically generating a generated-collection that comprises at least one item, wherein each item in the generated-collection matches the selection; and

d. presentation means for generating to the user, through the user interface, an overview comprising the generated-collection and the at least one previous collection that matches the selection.

Claim 3 contains method elements corresponding to the means plus function elements of claim 1. Each of these independent claims recites that the selection by a user results in an overview being presented to the user. This overview contains:

1. At least one previous collection that matches the selection, and
2. A generated-collection that comprises at least one item, obtained by an automatic generating means, and wherein each item matches the selection.

Support for these features is found, inter alia, at paragraphs [0006] and [0021] of the published application. Paragraph [0006] also contains the following example:

For example, in the case that a user wants to select all music albums of a certain artist, the user can be provided with all music albums of that artist and with a generated album that comprises songs of the artist that are for example present upon different albums comprising a collection of songs of several artists. In this way, the user is provided with a user interface, that can show real albums and a generated album that comprises songs of the artist.

Applicant respectfully submits that Khosla does not disclose, teach or suggest the claimed subject matter quoted above, and moreover fails to properly address the features recited in claim 1. The system of Khosla allows the user to perform a search of picture properties (see col. 11, lines, 1-6). As illustrated in Fig. 11, the system of Khosla

displays a thumbnail of each image found in a search (see col. 11, lines 47-51). Relying on a user's interaction, Khosla's invention subsequently generates a new album containing pictures found in the search. Khosla fails to teach presenting to a user an overview that contains at least one previous collection that matches the user's selection and a generated-collection that comprises at least one item, obtained by a generating means, wherein each item therein matches the selection.

In particular, Khosla fails to show presenting to the user at least one previous collection that matches the user's selection. As in the previous Office Action, the Examiner maintains that this claim element is met by the (trivial) example of the "selection" being the entire collection. The current Office Action then points to Fig. 12E as teaching the features of claim 1. As noted above, Fig. 12E of Khosla relates to presenting an entire collection of photos ("... in FIG. 12E, the shoebox icon, which represents the picture database for all pictures inputted into the album authoring software of the present invention ...") (col. 7, lines 5-8)).

Accordingly, the Office Action's reading of Khosla against claim 1 requires that the claim feature "matches the selection" used in obtaining the at least one previous collection (at line 5) means the entire shoebox collection. That being so, it is nonsensical for the Office Action to then argue that Khosla teaches claim 1's generating means (c) used to generate a generated-collection, wherein each item in the generated-collection "matches the [same] selection" – that is, that each generated item is in the entire shoebox collection. While this may be a truism, it has no meaningful significance. It merely states that each selection item is contained in the collection from which it was selected.

In response to the previously presented argument, the Examiner argues that “[t]he truism presented in relation to the claim language as read upon it by the reference has a meaningful significance as it distinguishes from a case where the dragged and dropped item may be from a **different collection other than the shoebox** [emphasis added]” (Office Action, page 5, lines 2-5). It is unclear what is intended by this statement as the shoebox is the entire collection. Moreover, Fig. 12E and the accompanying language of the specification make clear that the thumbnails displayed in the thumbnail region 305 are from the open shoebox icon 803 displayed in picture database region 303.

In the interest of furthering prosecution, Applicant has amended claim 1 to recite that a selection-criterion defines the selection. Therefore, if the entire (shoebox) collection is the result of the receiving means (a) and obtaining means (b), the selection-criterion would be something analogous to “select entire collection.” Consequently, the generating means (c) using the same selection criterion, would result in a duplication of the shoebox collection. Khosla specifically teaches away from such a result. That is, as explained in his specification, an album cannot contain the entire collection:

If the user selects the radio button "shoebox" then the search engine will search, using the specified properties through all pictures in the picture database. If the radio button "all albums" is selected in the box 859, then the search engine will search for only pictures in all albums rather than for all pictures in the picture database. Thus, if a particular picture in the picture database is not in any album, then this picture will not be found. [Khosla, col. 11, lines 20-28]

For at least the above reasons, Applicant submits that Khosla fails to teach the features of claim 1 which recite presenting to a user an overview that contains at least one previous collection that matches the user's selection, wherein a selection-criterion defines the selection; and a generated-collection that comprises at least one item, obtained by an automatic generating means, wherein each item therein matches the selection.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Khosla cannot be said to anticipate the present invention, because Khosla fails to disclose each and every element recited in claim 1. Claim 3 also contains these features and is deemed patentable over Khosla for at least the same reasons.

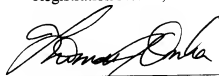
Having shown that Khosla fails to disclose each and every element claimed, applicant submits that the reason for the Examiner's rejection of claims 1 and 3 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1 and 3.

With regard to claims 2, 4, 5 and 7, these claims ultimately depend from one of the independent claims, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2, 4, 5 and 7 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Thomas J. Onka', written over a horizontal line.

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Date: October 4, 2009

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